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Date July 3, 2024 **Report No.** 2024-410
To Chair and Members
City of Brantford Committee of Adjustment
From Lindsay King
Intermediate Development Planner

1.0 Type of Report

Committee of Adjustment Decision Regarding
Applications for Consent and Minor Variance

2.0 Topic

Application No.: A30-2024
Agent/Applicant: King Homes Inc. (c/o Ken Bekendam)
Owner: 1000596285 Ontario Inc.
(c/o Georges El Masri)
Location: 372 Darling Street

3.0 Recommendation

- A. THAT minor variance application A30-2024 seeking relief from Section 7.10.2.1.1.1 to permit a minimum lot area of 167 m²/unit whereas 185 m²/unit is otherwise required, BE APPROVED;
- B. THAT the reasons for the approval of the minor variance application are as follows: the proposed variance is in keeping with the general intent and purpose of the Zoning By-law and the Official Plan, and the relief requested

is considered minor in nature and desirable for the appropriate development and use of the subject lands; and

C. THAT pursuant to Section 45(8)-(8.2) of the *Planning Act*, R.S.O. 1990, c. P. 13, the following statement SHALL BE INCLUDED in the Notice of Decision:

“Regard has been had for all written and oral submission received from the public before the decision was made in relation to this planning matter, as discussed in Section 6.2 of Report No. 2024-410.”

4.0 Purpose and Description of Application

A minor variance application has been received for the lands municipally addressed as 372 Darling Street, which has a two-storey apartment building on site, as shown below in **Figure 1**. The applicant is proposing some interior changes to the building including the conversion of the existing laundry room and storage room into dwelling units.

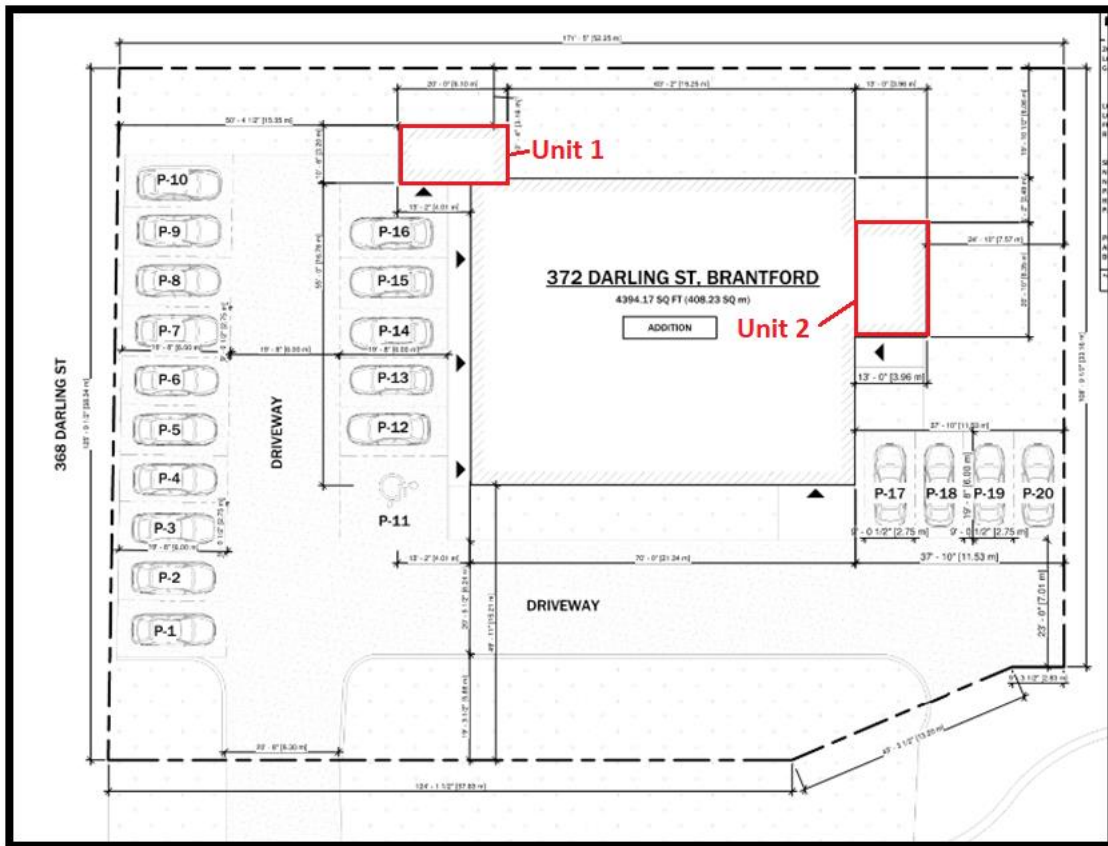
Figure 1 – Existing Apartment Building



The applicant also proposes to relocate the laundry facilities so that it can continue to be accessible to all tenants. Attached as **Figure 2** is a copy of the submitted concept plan. To facilitate this development as proposed, the applicant previously requested, and was granted approval of the following relief from Zoning By-law 160-90 through application A36-2023

- Section 7.10.2.1.8.1 to permit a unit with a Gross Floor Area of 25 m² whereas 40 m² is otherwise required.

Figure 2 - Concept Plan



Unfortunately, the applicant provided incorrect property area figures on the previous minor variance application form and concept plan and did not request relief from Section 7.10.2.1.1.1. When the applicant proceeded to apply for building permits, they were advised that they required relief from of the minimum lot area requirement of the Zoning By-law. Although a survey from a registered Ontario Land Surveyor is recommended, it is not a submission requirement for minor variance applications.

5.0 Site Features

The subject lands are on the north side of Darling Street, west of Puleston Street, north of Colborne Street, and east of Stanley Street. The surrounding land use is predominantly residential, comprised of a variety of building types, including apartment buildings, townhouses and single detached dwellings, as show in the aerial photo in **Figure 3**.

Figure 3 - Aerial of subject lands



Devereux Park is within 70 m of the subject lands. The lands are designated “Residential” in the Official Plan, and zoned “Residential Medium Density Type B Zone – Exception 13” (R4B-13) in the Zoning By-law as shown in **Appendix A** and **Appendix B**.

6.0 Input from Other Sources

6.1 Technical Comments

Staff circulated this application to all applicable departments and agencies on May 27, 2024. Several departments and agencies provided comments, summarized below, however there were no objections.

Building Department Staff noted no concerns with the application but advised that an approved minor variance would be required to approve building permits for the converted spaces.

Canada Post noted that the owner will be required to add two additional mailbox compartments to the mail panel for mail delivery.

Operations Staff noted that a Right-of-Way Activity Permit is required.

6.2 Public Comments

This application was circulated for public comment on June 19, 2024. At the time of writing this report, no public comments on this application have been submitted.

7.0 Planning Staff Comments and Conclusion

7.1 Planning Analysis

When evaluating the merits of a minor variance application, the Committee of Adjustment must be satisfied that the four tests of Section 45(1) of the *Planning Act* have been met. To be approved, a minor variance must be minor in nature, desirable for the appropriate use of the land, and maintain the general intent and purpose of the Zoning By-law and Official Plan. These tests are discussed in the table below.

Four Tests	Discussion
That the requested variance is minor in nature	“Minor” is determined by impact, not by the value of the variance being sought. The proposed decrease in minimum lot area/unit is minor in nature in that it is not expected to have an adverse impact on adjacent units or properties. The applicant has shown adequate required parking and appropriate space within the apartment complex for the laundry facilities.
That the general intent and purpose of the Zoning By-law is maintained	The purpose of a minimum lot area/unit is to control density by dictating how many residential units can be built on a particular lot size. This provision also serves to ensure that new developments are consistent with the existing character and scale of the neighbourhood. Since this application would facilitate only two new dwelling units, and since it would not result in any

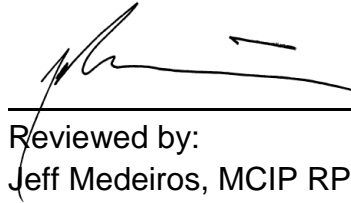
	<p>changes to the built form, and given there is adequate parking on-site, Staff are of the opinion that the purpose and intent of the Zoning By-law are maintained.</p>
<p>That the general intent and purpose of the Official Plan is maintained</p>	<p>The subject lands are designated “Residential”. Section 5.2.1(a) of the Official Plan notes that the intent of the Residential designation is as follows:</p> <p><i>“Lands within the Residential designation may include a full range of residential dwelling types, as well as supporting land uses intended to serve local residents. It is recognized that areas within the Residential designation will continue to evolve, with compatible development playing a modest role in achieving the City’s overall target for residential intensification in the built-up area.”</i></p> <p>Section 3.1 of the Official Plan contains policies which promote housing opportunities consisting of a mix and range of market-based housing types, tenures and affordability characteristics to meet the needs of a growing and diverse population. The proposed minor variance would facilitate the creation of additional residential units and contribute to much needed housing in Brantford.</p>
<p>That the variance is desirable for the appropriate development and use of the land, building or structure.</p>	<p>Staff considers the proposed conversion of a laundry room and storage room to dwelling units desirable for the site as they would increase the number of dwelling units and the supply of new housing. Staff are of the opinion that this will not cause any adverse impacts, and as such is considered desirable for the appropriate development and use of the subject lands.</p>

7.2 Conclusion

Staff completed a site inspection on Friday, June 14, 2024. Upon completion of this site visit and review of the relevant policies, Planning Staff support the application. Since the proposed reduction to the minimum unit size have been previously approved and will need to meet the Ontario Building Code, and the site will still maintain adequate space for parking and laundry facilities, Staff are supportive of application A30-2024 and recommend approval.



Prepared by:
Lindsay King
Development Planning
June 26, 2024

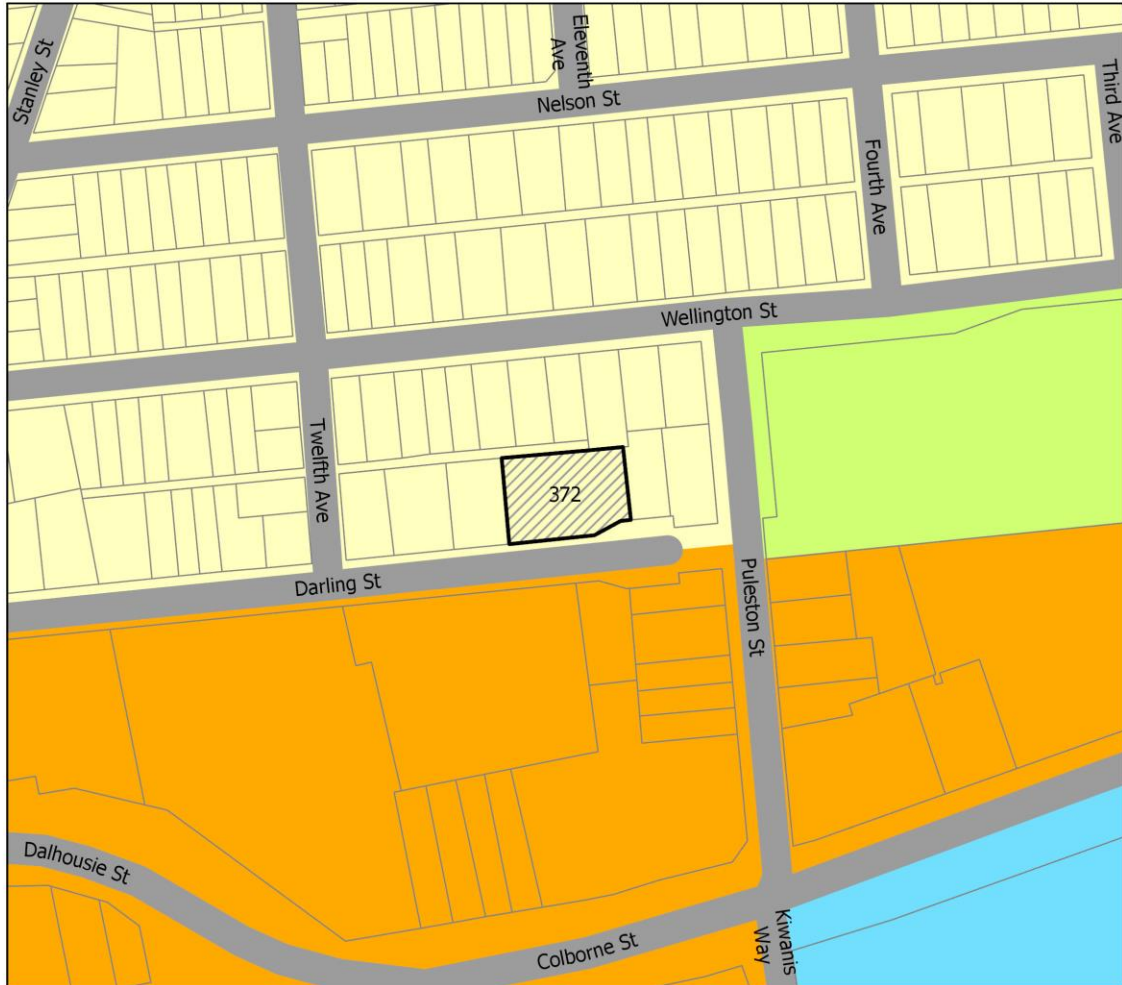


Reviewed by:
Jeff Medeiros, MCIP RPP
Senior Project Manager
Development Planning

APPENDIX A – OFFICIAL PLAN

OFFICIAL PLAN EXCERPT MAP

Application: A30-2024
372 Darling Street



Legend

- | | |
|--|---------------------------------|
| Agricultural Designation | Prestige Employment Designation |
| Core Natural Areas Designation | Commercial Mixed Use Corridor |
| Residential Designation | General Employment Designation |
| Major Institutional Designation | Six Nations Territory |
| Parks and Open Space Designation | VI A Station |
| Downtown Urban Growth Centre Designation | Transit Terminal |
| Major Commercial Centre Designation | Subject Land |
| Intensification Corridor Designation | |



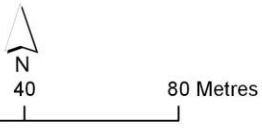
APPENDIX B – ZONING

ZONING MAP

Application: A30-2024
 372 Darling Street



Legend
 Subject Land
 Zoning



ZONING (Bylaw 160-90) and County of Brant(61-16)

- R1B Residential Type 1B (15 metre)
- R1C Residential Type 1C (12 metre)
- R2 Residential Type 2
- R3 Residential Type 3
- R4A Residential Medium Density Type A
- C8 General Commercial
- OS1 Open Space Type 1
- # Exception Number